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DATE MAILED: 11/10/2003

APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,564 06/06/2000		06/2000	J. Michael Pitale	JMP-0002	1651
7:	590	11/10/2003		EXAM	1INER
Kathleen A. T	yrrell		LIPMAN, JACOB		
Licata & Tyrrel	II P.C.				·
66 E. Main Stre	eet		ART UNIT	PAPER NUMBER	
Marlton, NJ 08053				2134	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary O9/516,564 PITALE, J. MICHAEL The MAILING DATE of this communication appears on the cover sheet with the correspondence address		Application No.	Applicant(s)					
Examiner Jacob Upman - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the professions of 37 CFR 1.136(a). In or event, however, may a raply be timely filed If the period for rinely is pecified above, the maintenant statutory period will caply and will equity SU(0) MONTHS from the mailing date of the series of the correspondence of the considered timely. If NO period for rinely is pecified above, the maintenant statutory period will caply and will equity SU(0) MONTHS from the mailing date of the communication. If NO period for rinely is pecified above, the maintenant statutory period will caply and will expire SU(0) MONTHS from the mailing date of the communication, wen if timely filed, may reduce a my rectard pleast term adjustment. See 37 CFR 170(b). Status 1)② Responsive to communication(s) filed on 29 February 2000 2a)□ This action is FINAL. 2b)② This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)② Claim(s) is/are allowed. 6)③ Claim(s) is/are allowed. 6)③ Claim(s) is/are allowed. 6)③ Claim(s) is/are allowed. 7)□ Claim(s) are subject to restriction and/or election requirement. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11)□ The proposed drawing correction filed on is/are allowed. 12)□ The specification is objected to by the Examiner. 13)□ Although any not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11)□ The proposed drawing correction filed on is/a. all paptoved by the Examiner. 12)□ The cath or declaration is objected to by the Examiner.	_		(a)					
Jacob Lipman 2134	Office Action Summany		<u> </u>					
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DETAILED ACTION

The information Disclosure Statement filed on 6/23/03 has been considered.

Specification -

This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (i) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

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the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- 2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
- A substitute specification including the claims is required pursuant to 37 CFR
 1.125(a) because they do not comply with the above arrangement.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 6. Regarding claim 1, the phrase "or whatever" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or whatever"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

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7. Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Eisenberg, US Patent number 5,354,974.

With regard to claim 1, Eisenberg discloses an ATM machine (column 2 lines 59-61) comprising a computer to receive a PIN (column 2 lines 63-68), determine if the PIN number is an alert PIN from a user who is under duress (column 3 lines 4-9), and activate an alarm if it is an alert PIN (column 3 lines 9-13), which could activate a camera (column 3 lines 13-16). Since one form of identification might not be able to have an alarm option (ATM card), the system can require two forms of identification (column 3 lines 19-24).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:30 - 5 M-Th, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JL

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100